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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,549	03/17/2006	Frank Schou	10191/3721	3731
26646 7590 06/27/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER RUTLAND WALLIS, MICHAEL	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,549

Applicant(s)

SCHOU, FRANK

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/30/2007 has been entered.

Response to Arguments

Applicant's arguments, filed 04/30/2007, with respect to claims 7-12 have been fully considered and are persuasive. The previous rejection the identified claims has been withdrawn. The newly added claims contain unique issues identified below.

Election/Restrictions

Newly submitted claim 15 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention listed in 15 does not relate to general concept described in PCT Rule 13.1 because, under PCT

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Rule 13.2, they lack the same or corresponding special technical features for the following reasons: In this case the assembly described in claims 7-8 and 10-13 is relevant to a switch assembly containing the special technical feature of switching off at least one airbag via first and second networks or interconnection circuitry. Claim 15 contains only a generic method without the special technical feature of claims 7-8 and 10-13.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 15 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

Claim 13 recites the limitation "the control unit" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant should amend this limitation to "the signal evaluation unit" as recited in claim 8.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 in relevant part states "... wherein the first and second interconnection circuits determine that a first possible voltage range appearing at an output of the first sensor does not overlap a second possible voltage range appearing at an output of the second sensor for any switching state of the switch." While it should be first noted a first or second interconnection circuit is not expressly identified in Applicant's specification. One of ordinary skill would conceivably identify such structure as the connection circuitry carrying currents I1 and I2, however it is unclear and cannot be determined based on Applicant's specification how such interconnection circuitry makes the *determination* of overlapping voltage ranges claimed in claim 14. Therefore the claim fails to properly comply with the second paragraph of 35 U.S.C. 112. Applicant's should amend claim 14 to include the signal evaluation unit described in at least claim 7 and/or 8. For the purpose of examination on the merits any switch assembly with first and second interconnection will be deemed capable of performing the determining as claimed in claim 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Berger (U.S. Pat. No. 5,109,199)

With respect to claim 14 Berger teaches a switch assembly (Fig. 2) for switching off vehicle safety component such as a safety belt or airbag (see column 1 lines 5-10 and lines 40-47), comprising: at least one switch (item 10); and two substantially identical sensors (items 14a and 14b) for detecting a switching state of the at least one switch, a first interconnection circuit (23A) connected to the first sensor (14A); and a second interconnection circuit (23B) connected to the second sensor (14B) , wherein the first and second interconnection circuits determine that a first possible voltage range appearing at an output of the first sensor does not overlap a second possible voltage range appearing at an output of the second sensor for any switching state of the switch.

Allowable Subject Matter

Claims 7-8 and 10-12 are allowed. The following is an examiner's statement of reasons for allowance: Berger as modified by Fendt teach the assembly of claim 7 however fail to further render obvious the added limitation to claim 7 to require the resistors of the first and second resistor networks are connected in such a way that a possible range of an electrical characteristic quantity to be evaluated at an output of the first sensor for detecting the switching state of the switch, does not overlap a possible range of the electrical characteristic quantity, to be evaluated at an output of the second sensor for detecting the switching state of the switch, for any switching state of the

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switch. At least these further limitations are not taught or rendered obvious by the prior art of record.

Claim 13 if amended as identified above under the heading *Claim Objections* would additionally be found allowable as it further limits indicated allowable claim 8.

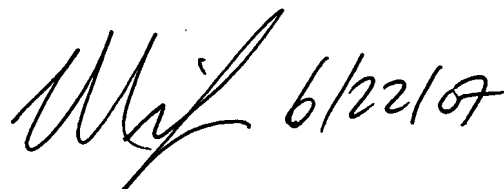
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

A handwritten signature in black ink, appearing to read 'M. Sherry', followed by the date '6/22/07'.

MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800